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09/803,424	03/08/2001	William Westfield	CISCP546	4828
26541	7590	04/27/2004	EXAMINER	
RITTER, LANG & KAPLAN 12930 SARATOGA AE. SUITE D1 SARATOGA, CA 95070			LY, NGHI H	
			ART UNIT	PAPER NUMBER
			2686	

DATE MAILED: 04/27/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/803,424

Applicant(s)

WESTFIELD, WILLIAM

Examiner

Nghi H. Ly

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11, 14-26 and 29-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 14-26 and 29-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not). In this case, claims 12, 13 and two claims 27 have been canceled by the Applicant (see Applicant's amendment A, pages 3 and 5, dated 02/20/2004).

Misnumbered claim 28 to 37 have been renumbered 29 to 38, respectively.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 4-11, 15-19, 21-26, 29, 30, 32-35, 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rune (US 6,212,390) in view of Beamish et al (US 6,694,142) and further in view of Zeller et al (US 2002/0077118 A1).

Regarding claims 1, 11, 15, 21, 25, 26, 29, 30, 32 and 35, Rune teaches in an IP-based cellular wireless communication system (column 1, line 32 to column 2, lines 4,

see "internet" and fig.1, see "Internet 40"), a method of spatially controlling cellular phone access (see Title and Abstract), the method comprising: receiving a message at a central facility (see column 8, lines 5-6), the message being relayed through a radio access network (also see column 8, lines 5-6, see "GRAN"), the message including information about whether a cellular phone device is in an area of restricted service access (see column 8, lines 50-53), the message including an identifier associated with the cellular phone device (see column 8, lines 5-6, In order to register, the registration request of Rune inherently includes *an identifier associated with the cellular phone device*).

Rune does not specifically disclose updating data associated with the cellular phone device in response to receiving the IP message at the central facility.

Beamish teaches updating data associated with the cellular phone device in response to receiving the IP message at the central facility (see abstract and see column 2, lines 9-41).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the teaching of Beamis into the system of Rune so that interference with other devices can be prevented.

The combination of Rune and Beamish does not specifically disclose the message is IP message, receiving an IP message at a central facility.

Zeller teaches the message is IP message (see page 5, paragraph [0052]), receiving an IP message at a central facility (page 9, paragraph [0080], see "or from the MS").

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the teaching of Zeller into the system of Rune and Beamish so that plurality of location-specific advertisement maybe sent over the communication network in form of a IP message.

Regarding claim 2, the combination of Rune, Beamish and Zeller further teaches the central facility is a switching center that controls access to a plurality of cellular base stations (see Zeller, page 1, paragraph [008] and page 8, paragraph [0073]).

Regarding claim 4, the combination of Rune, Beamish and Zeller further teaches updating includes setting a status associated with the cellular phone in one or more location records to be a hush status (see Beamish, abstract and see column 2, lines 22-25).

Regarding claim 5, the combination of Rune, Beamish and Zeller further teaches sending an IP message to the cellular phone device (see Zeller, page 2, paragraph [0019]).

Regarding claims 6 and 37, the combination of Rune, Beamish and Zeller further teaches the IP message (see Zeller, page 2, paragraph [0019]) includes a hushing command (see Beamish, abstract and see column 2, lines 22-25).

Regarding claims 7, 19 and 22, the combination of Rune, Beamish and Zeller further teaches the IP message (see Zeller, page 2, paragraph [0019]) includes an HTTP web page (see Beamish, column 1, lines 50-55).

Regarding claim 8, Rune further teaches the identifier is a Mobile Identification Number (see column 8, lines 5-6, In order to register, the registration request of Rune inherently includes *an identifier associated with the cellular phone device*).

Regarding claim 9, the combination of Rune, Beamish and Zeller further teaches one or more locator records include a Home Location Register (HLR) (see Zeller, pages 3-4, paragraph [0038]).

Regarding claim 10, the combination of Rune, Beamish, Zeller and Zeller further teaches the one or more locator records include a Visitor Location Register (VLR) (see Zeller, pages 3-4, paragraph [0038]).

Regarding claim 16, Rune further teaches monitoring the cellular phone device, determining when the cellular phone device has left the area, sending a second IP message to a service provider control point that includes information that the cellular phone device has left the area (see column 9, lines 5-15 and column 9, lines 46-56).

Regarding claim 17, Rune further teaches a method further comprising locally maintaining a list of cellular phone devices in the area (column 8, lines 5-10).

Regarding claim 18, Rune further teaches causing an IP message to be sent to the cellular phone device that includes notification that the cellular phone devices has entered a quiet zone (see column 8, lines 54-63 and see column 10, lines 23-30).

Regarding claim 23, the combination of Rune, Beamish and Zeller further teaches the phone goes into a quiet mode in response to the hushing message, the quiet mode including the volume on a ringer being turned off (see Beamish, column 2, lines 9-41).

Regarding claim 24, the combination of Rune, Beamish and Zeller further teaches the phone goes into a non-transmit mode in response to the hushing message, the quiet mode including a transmitter of the phone being kept off (see Beamish, column 2, lines 9-41).

Regarding claim 33, the combination of Rune, Beamish and Zeller further teaches operating in the hush mode (see Beamish, column 2, lines 9-41).

Regarding claim 34, the combination of Rune, Beamish and Zeller further teaches receiving a second IP message (see Beamish, column 6, lines 8-13) including an anti-hush command and exiting hush mode (see Beamish, column 2, lines 9-41).

Regarding claim 38, the combination of Rune, Beamish and Zeller further teaches entering the hush mode includes one of causing the cellular phone to vibrate and turning off a transmitter of the cellular phone (see Beamish, abstract and see column 2, lines 22-25).

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rune (US 6,212,390) in view of Beamish et al (US 6,694,142) and further in view of Zeller et al (US 2002/0077118 A1) and Bansal et al (US 6,26,272).

Regarding claim 3, the combination of Rune, Beamish and Zeller teaches claim 1. The combination of Rune, Beamish and Zeller does not specifically disclose updating includes adding the identifier to a table of hushed phones.

Bansal teaches updating includes adding the identifier to a table of hushed phones (see column 6, lines 42-53).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the teaching of Bansal into the system of Rune, Beamish and Zeller in order to reduce calling cost for wireless phone (see Bansal, column 1, lines 9-12).

5. Claims 14, 20, 31 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rune (US 6,212,390) in view of Beamish et al (US 6,694,142) and further in view of Zeller et al (US 2002/0077118 A1) and Ariga (US 6,625,455).

Regarding claim 14, the combination of Rune, Beamish and Zeller teaches claim 11. The combination of Rune and Beamish does not specifically disclose the special quiet zone processing includes sending the call to a phone mail box.

Ariga further teaches the special quiet zone processing includes sending the call to a phone mail box (see Ariga, column 5, lines 39-42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the teaching of Ariga into the system of Rune, Beamish and Zeller so that message can be stored and playback at a later time.

Regarding claim 20, the combination of Rune, Beamish, Zeller and Ariga further teaches determining whether the second cellular phone device is in a quiet zone includes steps of requesting base stations to page the cellular phone device, receiving an acknowledgement from one of the base stations, if a message is received that indicates the cellular phone device is in a quiet zone, processing the call as a quiet zone



call, and if a preset period of time passes without receiving the message, processing the call as a standard call (see Ariga, column 5, line 45 to column 6, line 11).

Regarding claims 31 and 36, the combination of Rune, Beamish, Zeller and Ariga further teaches the computer readable medium is a CD-ROM, floppy disk, tape, flash memory, system memory, hard drive, or data signal embodied in a carrier wave (see Ariga, fig.2, box 203 ROM).

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-11, 14-26 and 29-38 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (703) 605-5164.

The examiner can normally be reached on 8:30 am-5:30 pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi H. Ly

*1604*  
*04/22/04*

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